

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAMEN D. RABB,

Plaintiff,

v.

ESTEVEN FIGUEROA, et al.,

Defendants.

No. 1:23-cv-0843 JLT SAB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER**

(Docs. 44, 47)

Plaintiff seeks to hold the defendants liable for violations of his civil rights in this action filed pursuant to 42 U.S.C. § 1983. He seeks a temporary restraining order, asserting that he fears for his safety since filing this action, correctional officers beat him, and a transfer to another facility was not permitted despite his eligibility. (Doc. 47.)

The magistrate judge determined Plaintiff failed to demonstrate injunctive relief was appropriate in this action. (Doc. 47 at 3-5.) The magistrate judge found that Plaintiff's motion "addresses conduct that is not a subject of this action, and therefore fails to demonstrate either a likelihood of success on the merits or a serious question on the merits." (*Id.* at 3.) The magistrate judge observed that though Plaintiff reported "he was previously 'beaten' by correctional officers, but he does not provide any specific facts beyond speculation or conjecture that would demonstrate he is in danger of suffering imminent or irreparable harm." (*Id.* at 4.) The magistrate judge concluded that Plaintiff also failed to show "that the balance of equities tips in

1 his favor, and that an injunction is in the public interest.” (*Id.*) Therefore, the magistrate judge
2 recommended the Court deny the motion. (*Id.* at 5.)

3 Plaintiff filed objections to the Findings and Recommendations. (Doc. 49.) Plaintiff
4 again asserts that he was beating by unidentified officers following the filing of this action, and
5 reiterates his fear that if he leaves his cell, he “would be in immediate danger.” (*Id.* at 1.)
6 Importantly, however, Plaintiff does not address the findings of the magistrate judge that his
7 assertions are not tethered to the claims raised in his complaint. Moreover, Plaintiff’s generalized
8 fear for his safety is insufficient to support his request for injunctive relief. *See, e.g., Goldie's*
9 *Bookstore v. Superior Court of State of Cal.*, 739 F.2d 466, 472 (9th Cir. 1984) (“Speculative
10 injury does not constitute irreparable injury”); *see also Bradford v. Jordan*, 2018 WL 11328113,
11 at *3 (C.D. Cal. Nov. 19, 2018) (“Moreover, although Plaintiff alleges instances of harm suffered
12 from prison officials, Plaintiff’s speculative fear of a conspiracy to murder him by nearly 40
13 individuals does not constitute irreparable injury sufficient to warrant granting a preliminary
14 injunction”).

15 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
16 Having carefully reviewed the matter, including Plaintiff’s objections, the Court concludes the
17 Findings and Recommendations are supported by the record and proper analysis. Thus, the Court

18 **ORDERS:**

- 19 1. The Findings and Recommendations issued on April 8, 2024 (Doc. 47) are
20 **ADOPTED** in full.
21 2. Plaintiff’s motion for a temporary restraining order (Doc. 44) is **DENIED**.

22
23 IT IS SO ORDERED.

24 Dated: May 8, 2024


UNITED STATES DISTRICT JUDGE